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6 UNITED STATES DISTRICT COURT

7 EASTERN DISTRICT OF CALIFORNIA  
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9 CHARLES D. WILLIAMS,

10 Plaintiff,

11 v.

12 D. MacILVAINE, et al.,

13 Defendants.  
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16 \_\_\_\_\_/

CASE NO. 1:05-CV-00468 OWW SMS P

ORDER DIRECTING PLAINTIFF TO PAY  
FILING FEE OR FILE REGULAR CIVIL  
APPLICATION TO PROCEED IN FORMA  
PAUPERIS

(Doc. 2)

ORDER DENYING MOTION TO REMOVE  
“P” DESIGNATION FROM CASE NUMBER

(Doc. 5)

17  
18 Plaintiff Charles D. Williams (“plaintiff”) is proceeding pro se in this civil rights action  
19 pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on April 11, 2005. On April 11, 2005,  
20 plaintiff filed a motion seeking leave to proceed in forma pauperis by a prisoner and on April 28,  
21 2005, plaintiff filed a motion seeking to have the “P” designation removed from his case number.

22 Plaintiff has been released from prison. Therefore, if plaintiff wishes to proceed in forma  
23 pauperis, he must file a regular civil application to proceed in forma pauperis. In the alternative,  
24 plaintiff may pay the \$250.00 filing fee.

25 With respect to the “P” designation, although plaintiff has been released from prison, he was  
26 incarcerated when he filed this action. It is the practice of the court to continue handling such cases  
27 as “P” cases. The court deems it unnecessary at this time to deviate from its standard practice.  
28 Accordingly, plaintiff’s motion shall be denied.

Based on the foregoing, it is HEREBY ORDERED that:

1. The Clerk's Office shall send plaintiff a regular civil application to proceed in forma pauperis;
2. Within **thirty (30) days** from the date of service of this order, plaintiff shall either pay the \$250.00 filing fee in full or file a regular civil application to proceed in forma pauperis;
3. If plaintiff fails to comply with this order, this action will be dismissed form failure to obey a court order; and
4. Plaintiff's motion to remove the "P" designated from his case number is denied.

IT IS SO ORDERED.

**Dated: May 18, 2005**  
i0d3h8

/s/ Sandra M. Snyder  
UNITED STATES MAGISTRATE JUDGE